

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:15-cr-047-RJC-DCK

**FILED**  
CHARLOTTE, NC

APR 23 2015

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 DAVID HOWELL PETRAEUS, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

ENTRY AND  
ACCEPTANCE OF GUILTY PLEA  
(RULE 11 PROCEEDINGS)

On the date indicated below, the Defendant appeared with counsel, was duly sworn, and answered the following questions on the record:

Questions (asked by Magistrate Judge)

Defendant's Answers

1. Do you understand that you are under oath, and that you are required to give truthful answers to the questions I am about to ask?

Yes (✓) No ( )

2. Do you understand that if you give false information under oath you may be prosecuted for perjury or false statement?

Yes (✓) No ( )

3. After consulting with your attorney, do you want this Court to accept your guilty plea to one count in the Bill of Information?

Yes (✓) No ( )

4. Do you understand that you have the right to have a U.S. District Judge conduct this proceeding?

Yes (✓) No ( )

5. Recognizing that right, do you expressly consent to proceed before me, a U.S. Magistrate Judge?

Yes (✓) No ( )

6. Are you now under the influence of alcohol, medicines, or drugs of any sort?

Yes ( ) No (✓)

7. Is your mind clear today and do you understand that you are here to enter a guilty plea that cannot later be withdrawn?

Yes ( ☒ ) No ( ☐ )

8. Have you received a copy of the Bill of Information in your case and have you discussed its contents with your attorney?

Yes ( ☒ ) No ( ☐ )

[The charges, maximum penalties, and mandatory minimum sentences (if any) were explained, on the record, at this point in the proceeding.]

9. Do you fully understand the charge(s) against you, including the maximum (and, where applicable, minimum) penalties you face if convicted?

Yes ( ☒ ) No ( ☐ )

10. Have you been advised by your attorney that if you are not a citizen of the United States, your guilty plea may have adverse immigration consequences?

Yes ( ☒ ) No ( ☐ )

11. Have you spoken with your attorney about how the U. S. Sentencing Guidelines might apply to your case?

Yes ( ☒ ) No ( ☐ )

12. At the Court's request, a Presentence Report was prepared in anticipation of today's hearing, and you and your lawyers have had the opportunity to review that document and to comment on it. Is that correct?

Yes ( ☒ ) No ( ☐ )

13. Do you understand that in some circumstances you may receive a sentence that is different—that is, either higher or lower—than that called for by the Guidelines?

Yes ( ☒ ) No ( ☐ )

14. Do you understand that the Court may order restitution or a fine, where applicable?

Yes ( ☒ ) No ( ☐ )

15. Do you understand that if the sentence is more severe than you expected, or the Court does not accept the government's sentencing recommendation, you will still be bound by your plea and will have no right to withdraw it?

Yes ( ☒ ) No ( ☐ )

16. Do you understand that parole has been abolished, and that if you are sentenced to a term of imprisonment you will not be released on parole?

Yes ( ☒ ) No ( ☐ )

17. If your sentence includes imprisonment, do you understand that the Court may also order a term of "supervised release"?

Yes ( ☒ ) No ( ☐ )

18. Do you also understand that if you violate the terms and conditions of supervised release, which typically lasts from one to five years, you could be returned to prison for an additional period of time?

Yes ( ☒ ) No ( ☐ )

19. Do you understand that you have a right to plead NOT GUILTY, to have a speedy trial, to summons witnesses to testify in your behalf, and to confront witnesses against you?

Yes ( ☒ ) No ( ☐ )

20. If you exercised your right to trial, you would be entitled to the assistance of a lawyer, would not be required to testify, would be presumed innocent, and the burden would be on the government to prove your guilt beyond a reasonable doubt. Do you understand all of these rights?

Yes ( ☒ ) No ( ☐ )

21. These last two questions really amount to this: you could plead not guilty and have a trial if you wanted to. Do you understand that?

Yes ( ☒ ) No ( ☐ )

22. By entering this plea of guilty you are waiving (or giving up) these rights. There will be no trial. If your guilty plea is accepted, there will be one more hearing, where the Court will determine what sentence to impose in your case. Do you understand that?

Yes ( ☒ ) No ( ☐ )

23. Are you, in fact, guilty of the count in the Bill of Information to which you have come to court today to plead guilty?

Yes ( ☒ ) No ( ☐ )

24. Have the United States and the Defendant entered a Plea Agreement in this case?

Yes ( ☒ )

No ( ☐ )

[The attorneys for the Government and the Defendant summarized the terms of any Plea Agreement to the Court, on the record, at this Point in the proceeding. However, the parties understand that the written, filed Plea Agreement is the best statement of those terms, and therefore "speaks for itself".]

25. Have you been over that Plea Agreement carefully with your lawyers?

Yes ( ☒ )

No ( ☐ )

26. Do you understand those to be the terms of your Plea Agreement, and do you agree with those terms?

Yes ( ☒ )

No ( ☐ )

27. Has the right to appeal your conviction and/or sentence been expressly waived in the Plea Agreement?

Yes ( ☒ )

No ( ☐ )

28. Has the right to challenge your conviction and/or sentence in a post-conviction proceeding also been expressly waived in the Plea Agreement?

Yes ( ☒ )

No ( ☐ )

29. Is that your signature on the Plea Agreement?

Yes ( ☒ )

No ( ☐ )

30. For the record, there is a Factual Basis document that has been filed in this matter. It's Document No. 3 in the case. Were you aware that the Factual Basis document had been filed as an attachment to the Plea Agreement in your case?

Yes ( ☒ )

No ( ☐ )

31. Have you read this Factual Basis document and do you understand it and agree with it?

Yes ( ☒ )

No ( ☐ )

32. Has anyone threatened, intimidated, or forced you to enter your guilty plea today?

Yes ( ☐ )

No ( ☒ )

33. Other than the terms of your Plea Agreement, has anyone made you promises of leniency or a light sentence to induce you to plead guilty?

Yes ( ☐ )

No ( ☒ )

34. Have you had enough time to discuss with your attorney any possible defenses you may have to these charges?

Yes ( ✓ )

No ( )

35. Are you satisfied with the services of your attorney in this case?

Yes ( ✓ )

No ( )

36. Is there anything you would like to say at this time about the services of your attorney?

Yes ( ✓ )

No ( )

"It has been superb."

[Any statement that was made is on the record.]

37. Have you heard and understood all parts of this proceeding, and do you still wish to plead guilty?

Yes ( ✓ )

No ( )

38. Do you have any questions or statements you would like to make at this time?

Yes ( )

No ( ✓ )

[Any statement that was made is on the record.]

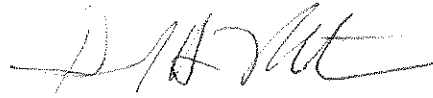
39. Counsel, have you reviewed each of the terms of the Plea Agreement with [the defendant], and are you satisfied that he (she) understands those terms?

Yes ( ✓ )

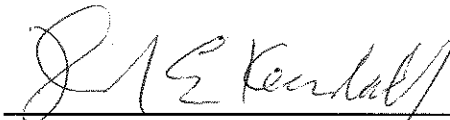
No ( )

[Any statement that was made is on the record.]

ON ADVICE AND IN THE PRESENCE OF COUNSEL, THE DEFENDANT  
CONSENTS TO THE ACCEPTANCE OF HIS/HER GUILTY PLEA BY A  
MAGISTRATE JUDGE. BY SIGNING BELOW, THE DEFENDANT (AND COUNSEL)  
AFFIRM THAT THE ANSWERS GIVEN DURING THIS PROCEEDING ARE TRUE  
AND COMPLETE TO THE BEST OF THEIR KNOWLEDGE.



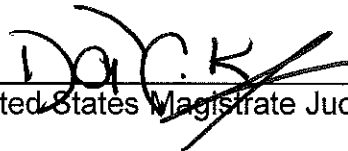
Defendant's Signature



Counsel's Signature

Based upon the representations and answers given by the defendant (and  
counsel) in this proceeding, the Court finds that the defendant's plea is knowingly and  
voluntarily made; and that the defendant understands the charges, potential penalties,  
and consequences of his (her) plea. Accordingly, the defendant's plea is hereby  
accepted. The Court further finds that there is a factual basis for the plea.

SO ORDERED, this 23<sup>rd</sup> day of April, 2015.



United States Magistrate Judge